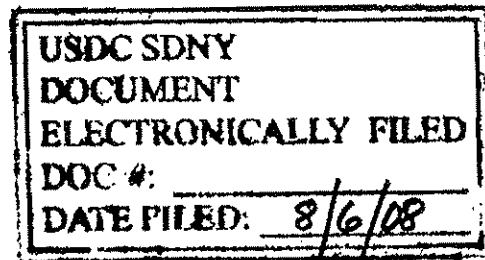


# **EXHIBIT D**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
CYBER CHAMPION INTERNATIONAL, LTD.,

Plaintiff,

- against -

CARLOS FALCHI, et al.,

Defendants.

-----x

07 Civ. 9503 (LAK) (DFE)

This is an ECF case

MEMORANDUM AND ORDER

DOUGLAS F. EATON, United States Magistrate Judge.

By letter to me dated July 25, 2008, Mr. Lazarus annexed the transcript of my June 3 settlement conference and requested that I hold another conference. On August 5, I held a conference; at the end, with Judge Kaplan's authorization, I amended his 4/1/08 Scheduling Order but solely in the following respects:

September 9, 2008 is the deadline for any motion for judgment based on the transcript of my June 3 settlement conference. If such a motion is made, it shall be addressed to me, and any opposing papers must be served and filed by September 23, 2008, and any reply papers must be served and filed by September 30, 2008. I will hold no oral argument, and I will write a Report and Recommendation to Judge Kaplan concerning such motion.

No later than 28 days after a decision by Judge Kaplan denying such motion (or, if no such motion is pending, no later than October 14, 2008), any party wishing to make a summary judgment motion must serve such motion (to be addressed to Judge Kaplan). By the same deadline, the case shall be ready for trial, and the parties must file the pretrial order, proposed jury instructions and requested voir dire questions.

  
\_\_\_\_\_  
DOUGLAS F. EATON  
United States Magistrate Judge

Dated: New York, New York  
August 6, 2008

USDC SDNY  
DATE SCANNED 8/6/08 HJ